

Policy: 1120
Procedure: 1120.02
Chapter: Juvenile Records
Rule: Juvenile File - Access, Check-Out, and Transfer

Effective: 03/13/08
Replaces: 1120.02
Dated: 11/21/01

Purpose:

The Arizona Department of Juvenile Corrections (ADJC) maintains the confidentiality of juveniles' files by regulating the access and transfer of each juvenile file.

Rules:

1. **EMPLOYEES** from respective divisions shall initiate and maintain the following files upon a juvenile's initial admission to ADJC:
 - a. Field File;
 - b. Central Office File (hardcopy backup);
 - c. Medical File;
 - d. Mental Health File; and
 - e. Education File.
2. The **SEPARATION UNIT** shall develop a separation file when a juvenile arrives to his/her unit.
3. **ADJC PERSONNEL** shall keep all juvenile files at the secure facility where the juvenile is assigned with the exception of the Central Office backup file.
4. **ADJC** shall limit access to a juvenile's file to authorized users only on a need-to-know basis:
 - a. **ADJC PERSONNEL AND CONTRACTED EMPLOYEES** shall safeguard juvenile files/records from unauthorized access:
 - i. The **ADJC RECORDS TECHNICIAN** shall mark all juvenile files and records as "confidential";
 - ii. **ADJC PERSONNEL** shall:
 - (1) Secure Field Files, medical files, mental health files, education files, and Central Office files in a locked file room and/or in locked cabinets;
 - (2) Maintain and store separately official medical, mental health, and education records from individual Field Files and Central Office Files;
 - (3) Shred extra copies of records; and
 - (4) Transport files in a manner that ensures security and confidentiality.
5. **ADJC PERSONNEL** shall classify juvenile files as "inactive" when a juvenile has been discharged from the Department's jurisdiction:
 - a. **RECORDS OR PAROLE PERSONNEL** shall:
 - i. Forward inactive Field Files within 30 days after the juvenile's discharge to Due Process Proceedings Office (DPPO), with a completed Discharge Certificate and Administrative A-Form;
 - ii. Self-address an envelope to the parent, guardian, or CPS in accordance with Procedure 2310.01 Juvenile Discharge, if appropriate.
 - b. Once the Discharge Certificate has been signed, the **DPPO** shall forward the inactive Field Files to the Central Office Records Management Supervisor (CORMS) for storage or destruction in accordance with the approved records retention schedule;
 - c. The **CORMS** shall ensure that:
 - i. The inactive juvenile files are stored at Central Office for one year after the juvenile's 18th birthday;
 - ii. The inactive juvenile files are forwarded to the State Records Management Center after one year;
 - iii. The inactive juvenile files are destroyed by the State Records Management Center, after an additional nine years;

- iv. All electronic files are purged when a juvenile turns 28 years old or in accordance with a Court Order for records destruction;
 - v. Files are destroyed at an earlier date pursuant to a Court order and in accordance with Procedure 1118.01 Records Retention and Disposition.
 - d. The **ADJC ATTORNEY GENERAL LIAISON (AGL)** shall review the court order before the record is destroyed.
6. **ADJC** shall prohibit the release of personally identifiable information in accordance with Arizona Revised Statutes (ARS) 39-121, et seq., when that information might be detrimental to the juvenile parent/guardian. The **AGL** shall ensure the safeguarding of personally identifiable information of all juveniles. The following juvenile data is considered personally identifiable, non-public access data:
- a. Other juveniles' name (co-defendants and/or siblings);
 - b. Social Security number;
 - c. Juvenile's or family's telephone number(s); and
 - d. Community or home address of juveniles and/or parent(s)/guardian(s).
7. **ADJC PERSONNEL** shall respond to a subpoena duces tecum in accordance with Policy 1308 Response to Subpoenas and Procedures 1308.01 Response to Court Summons, Subpoena, Notice of Deposition or Interview, Court Orders, and Jury Duty and 1308.02 Response to Litigation-Related Request for Documents & Files.
8. **ADJC PERSONNEL** shall treat a juvenile's criminal history as adult criminal history when the juvenile has been convicted of a felony in Superior Court.
9. **HEALTH UNIT EMPLOYEES** shall provide the juvenile, parent(s) and/or guardian(s) access to the juvenile's Health Record in accordance with Procedure 3020.02 Confidentiality of Medical/Dental Health Records:
- a. The **PARENT OR GUARDIAN** shall submit a written request for the juvenile's Health Records;
 - b. A **JUVENILE** may request a promise of confidentiality by the treating physician, psychiatrist or psychologist, in accordance with ARS §12-2293;
 - c. If a promise is made, then the **MEDICAL DOCTOR, PSYCHIATRIST, OR PSYCHOLOGIST** shall document the promise on the juvenile's chart and may not disclose the information subject to the promise, in accordance with ARS §12-2293.
10. The **JUVENILE AND PARENT/GUARDIAN** shall have access to the juvenile's Education File in accordance with federal and state regulations, and Policy 4401 Confidentiality of School Records.
11. The **CORMS** shall ensure that research projects requiring a release of information from juvenile records are done in accordance with Policy 1130 Research and Procedure 1130.01 Outside Research Requests.
12. Once a valid interest and credentials are verified for a review and/or a request of records the **CORMS** shall:
- a. Authorize other state and federal agencies access to the records; and
 - b. Allow access to view authorized and signed consent forms from the juvenile(s) parent and/or legal guardian for release of confidential information.
13. The **CORMS** shall ensure that the Legal Systems AGL reviews all requests for copies for juvenile records from the public or outside agencies:
- a. The **AGL** shall ensure compliance with state and federal statutes; and
 - b. The **CORMS** shall ensure the customer is provided with timely and accurate information.

14. The **FACILITY RECORDS TECHNICIAN** shall maintain Field Files at the facility responsible for the care and supervision of the juvenile:
 - a. **ADJC PERSONNEL** who are authorized to check out the Field Files during regular work hours or on a need-to-know basis shall contact the assigned records technician for access;
 - b. **ADJC PERSONNEL** shall abide by the following procedures when records are checked out:
 - i. **AUTHORIZED ADJC PERSONNEL** shall fill out Form 1120.02B Juvenile File Check-out Slip, which lists the date the file was checked out, the juvenile's name, K#, printed name and phone number of the employee who requested the file;
 - (1) If the file is checked out by person A to give to person B; **PERSON A** shall list person B on the form in the space entitled, "Signed out for." The **PERSON WHO REQUESTS A FILE** shall be responsible for the safety, security, and return of the file.
 - ii. The **FACILITY RECORDS TECHNICIAN** shall place Form 1120.02B Juvenile File Check-out Slip into the pocket of the File Holder Card and place the card in the file cabinet where the file belongs;
 - iii. **ADJC PERSONNEL** shall return all files before the end of the work day or close of the records unit;
 - (1) **ADJC EMPLOYEES** who may need to keep records longer than one day shall obtain approval from the CORMS.
 - iv. The **FACILITY RECORDS TECHNICIAN** shall monitor the file drawers noting file-out dates to ensure that files are returned at the end of the work day.
 - v. Therefore, **ADJC PERSONNEL** shall not:
 - (1) Place records in lockers, briefcases, or desk drawers;
 - (2) Leave the record in his/her office overnight or when the employee is off-duty;
 - (3) Remove the record from the premises except as required by court subpoena or as approved for storage at an off-site facility;
 - (4) Leave the record unsecured or unattended.
 - vi. The **FACILITY RECORDS TECHNICIAN** shall complete a Monthly Records Check-out Report documenting the number of files accessed, any late returns, and any files lost.
15. The juvenile files contain sensitive and confidential information. **ADJC EMPLOYEES** shall not remove or alter any file documentation and shall abide by the following:
 - a. Under no circumstances shall documentation from a juvenile's file be removed and be maintained apart from the official file;
 - b. Documentation may be temporarily removed for photocopying, as needed, but must be immediately returned to the appropriate section and location;
 - c. Juvenile files shall not be taken from a state agency to a private residence, despite officially being checked out.
16. **SUPERVISORS** shall subject ADJC employees who fail to maintain proper check-out procedures or who remove or alter Field File documentation to disciplinary action.
17. The **CORMS OR DESIGNEE** shall allow the following persons who are required by their assigned duties to have access to ADJC Field Files and/or to confidential, non-public juvenile information:
 - a. ADJC employees as needed;
 - b. **QUALIFIED HEALTH/MENTAL HEALTH CARE PROFESSIONALS** shall have access to information in the juvenile's custody record when the health authority determines that such information may be relevant to the juvenile's health and course of treatment;
 - c. Employees of the juvenile and adult court, as needed;
 - d. Immigration and Naturalization Services (INS), County Probation and Federal Probation/Parole Officers in person with proper Department Identification Data (I.D.);
 - e. Public Defenders attorneys who have written approval from the juvenile, parent and/or guardian or a court order;
 - f. Law enforcement agencies verifying data in the juvenile's file; if in person they need to show Badge and picture I.D.;

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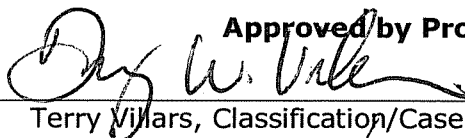
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- g. Authorized employees of agencies providing contractual/treatment services to juveniles committed to ADJC. **ADJC** may limit access to file information to that deemed relevant to proper provision of agreed upon services.
18. The **FACILITY RECORDS TECHNICIAN** shall establish and maintain a logbook to document the receipt and the transfer of Field Files in chronological order and at minimum contain:
- The date the Master Field File was received:
 - Juvenile's name;
 - K number.
 - The date the Field File was transferred:
 - Juvenile's name;
 - K number.
 - Designated location to receive file;
 - Initials and signature of the staff logging the transaction.
19. **ADJC PERSONNEL** shall transfer the Field Files to other ADJC locations in a safe and controlled manner. The **FACILITY RECORDS TECHNICIAN OR OTHER ADJC EMPLOYEE** shall:
- Insert the file in a sealed envelope when sending a file to another facility and/or office to ensure documents are not lost and prevent unauthorized access;
 - Send a completed Juvenile File Record's Receipt Form 1120.02A with the Field File being delivered to other ADJC facilities;
 - Upon delivery of the Field File the **RECEIVING RECORDS TECHNICIAN** shall:
 - Sign Form 1120.02A Juvenile File Record's Receipt;
 - Log the arrival of the file;
 - Send a copy of the receipt to the facility Records Technician of the sending facility and/or the sending Case Manager/YPO III.
 - Send Field Files that are to be delivered to court and/or other special proceedings to the Central Office Record Technician for processing in accordance with Procedure 1308.02 Response to Litigation Related Requests for Documents and Files:
 - The **SENDING ADJC EMPLOYEE** shall notify the Central Office Record Technician, via phone of the anticipated file delivery;
 - Upon delivery of the Master File, the **CENTRAL OFFICE RECORD TECHNICIAN** shall:
 - Sign Form 1120.02A Juvenile File Record's Receipt;
 - Log the arrival of the file;
 - Send a copy of the receipt to the Facility Records Technician of the sending facility and/or the sending Case Manager/YPO III;
 - Route the Field Files to the Legal Division when received for Litigation related requests;
 - Retire the Field File after the legal and administrative review in accordance with Procedure 2310.01 Juvenile Discharge.

Signature Date

3/13/2008

Approved by Process Owner



Terry Villars, Classification/Case Management Administrator

Effective Date

3/13/08

Approved by



Michael D. Branham, Director